

Re : Preliminary Amendment
Appl. No. : 10/726,797
Filed : December 13, 2003

II. REMARKS

As set forth above, Applicants amended Claims 1-6 and 8, and added new Claims 10-20 to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments or new claims. Applicants believe that Claims 1-20 are now in condition for allowance.

A. Response to Notice of Non-Compliant Amendment

The Notice of Non-Compliant Amendment mailed February 28, 2005 states that an amendment document filed on December 3, 2003 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. The Notice states that, in order for the amendment to be compliant, correction of the following item(s) is required. Specifically, the Notice explains that “Continuity not permitted on transmittal. Send Amendment.”

Applicants respectfully traverse the Notice’s statement that an amendment should be sent because Applicants properly submitted a priority claim. Briefly, Applicants filed this application on December 3, 2003 and no “amendment document” was filed on December 3, 2003. When the application was filed on December 3, 2003, the “Transmittal for Patent Application” stated “Priority to Chinese Application Serial No. 02135871.0 filed on December 10, 2002 is claimed under 35 U.S.C. § 119.” Also, the application states on page 1 that “This application claims priority to and benefit of Chinese Patent Application Serial No. 02135871.0, filed December 10, 2002 and entitled ‘A Type of Folding Hollow-table top Table with Drawer,’ which is incorporated by reference in its entirety.” Thus, when the application was filed on December 3, 2003, both the transmittal letter and

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the application itself stated that the application claims priority to Chinese Application Serial No. 02135871.0 filed on December 10, 2002.

A Notice to File Missing Parts of Nonprovisional Application was mailed by the Patent and Trademark Office on March 3, 2004 that stated the oath or declaration is missing. On June 11, 2004, Applicants filed a Response to Notice to File Missing Parts of Application that included an executed declaration with a foreign priority claim to Chinese Application Serial No. 02135871.0 filed on December 10, 2002. A copy of the June 11, 2004, Response to Notice to File Missing Parts of Application is attached. This declaration properly claims priority to Chinese Patent Application Serial No. 02135871.0, filed December 10, 2002, as shown in the Updated Filing Receipt that was mailed on June 28, 2004 by the Patent and Trademark Office.

Because Applicants properly claimed priority to Chinese Patent Application Serial No. 02135871.0, filed December 10, 2002, Applicants respectfully request that the Notice of Non-Compliant Amendment be withdraw.

CONCLUSION

Applicant submits that Claims 1 to 20 are in condition for allowance for immediate examination. Accordingly, Applicant requests that the application be promptly examined.

If the Examiner has any questions about this Preliminary Amendment or any other matter, please contact the undersigned attorney of record by telephone so that these remaining issues may be timely resolved.

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The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

Dated this 7 day of March, 2005.

Respectfully submitted,



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